

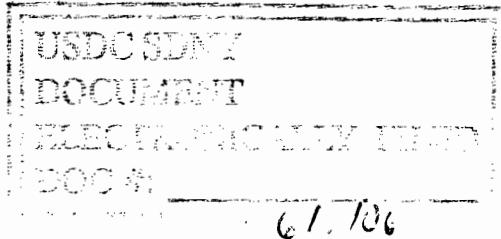
PAULEY, S.

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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
JACK ODINSKY,



Plaintiff,

Index No. 05-CV-8726 (WHP)

-against-

WALDBAUM, INC., a New York corporation, and
THE GREAT ATLANTIC & PACIFIC TEA CO., a
Maryland corporation.

STIPULATION TO DISMISS

FED. R. CIV. P. 41(a)(1)(ii)

Defendants.

-----x

Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(ii), all parties appearing in this action, by their attorneys, stipulate that the above-entitled civil action be dismissed, without prejudice. Defendants agree to waive all costs.

MICHAEL A. SISKIN, ESQ.
Attorney for Plaintiff,
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(516)466-1233

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MICHAEL A. SISKIN

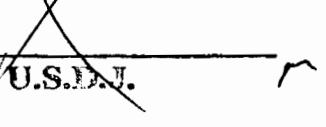
DATED: 5/26/06

BY: 
DOUGLAS P. CATALANO DC (07/19)
DATED: 5/26/2006

SO ORDERED: May 30, 2006


WILLIAM H. PAULEY III U.S.D.J.

SO ORDERED:


U.S.D.J.

AFFIDAVIT OF SERVICE BY E-MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

MICHAEL A. SISKIN, being duly sworn, deposes and says that he is not a party to this action and is over 18 years of age. On the 26th day of May, 2006, deponent served the annexed STIPULATION OF DISMISSAL [FED. R. CIV. P. 41(A)(1)(ii)] upon the following attorneys at the addresses indicated by sending an e-mail message to:

Douglas P. Catalano, Esq.
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MICHAEL A. SISKIN